

### **REMARKS**

Claims 1-17 are pending in the application. Claims 1-17 have been rejected. The issues in the Office Action mailed December 15, 2004 are:

- Claims 1, 4, and 12 are rejected under 35 U.S.C. § 102(e) as being anticipated by *Wu et al.* (U.S. Patent No. 5,906,001, hereinafter *Wu*);
- Claims 1-17 are rejected under the judicially-created doctrine of double patenting over claims 1-10 of *Brewer* (U.S. Patent No. 6,668,314, hereinafter *Brewer* 2003); and
- Claims 6-11 and 15-17 are rejected under the judicially-created doctrine of double patenting over claims 12-16 of *Brewer* (U.S. Patent No. 5,966,733, hereinafter *Brewer* 1999).

### **Objections to the Specification**

The first line of the specification has been amended to incorporate priority data. The title stands objected to as essentially not describing the invention. Applicant notes the Examiner's suggestion of a new title. M.P.E.P. § 606 requires a brief but technically accurate and descriptive title, preferably from two to seven words. Applicant respectfully asserts that the present title complies with the requirements of § 606. One of ordinary skill in the art would understand the concept of virtual memory translation as claimed and described by the application. Accordingly, the title in its current form is clearly indicative of the invention. Thus, Applicant respectfully requests that the Examiner withdraw the objection to the title of the invention.

### **Objections to the Claims**

Claims 1, 5, and 6 have been objected to as reciting "virtual memory translation". Applicant asserts that the use of the phrase "virtual memory translation" in the claims is not properly objectionable. Applicant respectfully reminds the Examiner that Applicant may be his own lexicographer. See *Lear Siegler, Inc. v. Aerogrip Corp.*, 221 U.S.P.Q. 1025, 1031 (Fed. Cir. 1984). Although such a directive does not allow Applicant to give a meaning to

the term repugnant to its usual meaning, if the term is in fact not a word, such a use cannot give a meaning to the term repugnant to its usual meaning.

Applicant notes that the phrase "virtual memory translation," as appears in claims 1, 5, and 6, does not appear in the specification. However, Applicant respectfully reminds the Examiner that "[t]he subject matter of the claim need not be described literally (i.e., using the same terms or *in haec verba*) in order for the disclosure to satisfy the description requirement." See M.P.E.P. § 2163.02. Applicant asserts that the specification's discussion of virtual memory translation, such as appears at page 5, lines 10-26, is sufficient to clearly convey to one of ordinary skill in the art the invention that is claimed.

Claims 2 and 5 have been objected to. Applicant respectfully traverses the Examiner's characterization of the claim language of claim 1 and claim 5 as meaning that an abort always occurs. The claim language "upon detection of a TLB purge" does not require that a TLB purge will always be detected. Taken in context, the current conditional claim language "upon detection of a TLB purge" clearly does not require that the TLB purge be detected in all cases.

For the reasons stated above, Applicant respectfully requests that the Examiner withdraw the objections to the claims and pass these claims to allowance.

#### **Rejection under 35 U.S.C. § 102(e)**

Claims 1, 4, and 12 are rejected under 35 U.S.C. § 102(e) as being anticipated by *Wu*. To anticipate a claim under 35 U.S.C. § 102, a reference must teach every element of the claim. See M.P.E.P. § 2131. Claim 1 recites "monitoring, as a hardware operation, for an occurrence of a translation lookaside buffer (TLB) purge." *Wu* teaches "snooping" for maintaining coherency in data caches. See col. 2, lines 42-44. However, *Wu* also teaches that "while snooping is commonly used to maintain coherency in data caches, it is typically not employed for maintaining TLB coherency." *Id.* *Wu* further teaches a TLB "shutdown" operation. See col. 2, line 45-col. 3, line 11. However, the shutdown operation of *Wu* appears to be a software-based operation. For example, the shutdown operation executes an INVPLG instruction that is used by an operating system or software routine. See col. 2, lines

19-29. The shutdown operation may also use a software interrupt instruction, INT. *See* col. 2, lines 64-11. Accordingly, *Wu* does not appear to teach “monitoring, as a hardware operation, for an occurrence of a translation lookaside buffer (TLB) purge.” Because *Wu* does not teach all limitations of claim 1, claim 1 is not anticipated by the cited reference.

Claims 4 and 12 depend directly from claim 1. Because claims 4 and 12 depend directly from claim 1, they contain all limitations of the base claim. As shown above, *Wu* does not teach all limitations of claim 1. Accordingly, *Wu* does not teach all limitations of claims 4 and 12. Thus, *Wu* does not anticipate claims 4 and 12. Applicant respectfully requests that the Examiner withdraw the rejection of record and pass claims 1, 4, and 12 to allowance.

### **Double Patenting**

Applicant notes the Examiner's rejection of claims 1-17 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-10 of U.S. Patent No. 6,668,314. Applicant also notes the rejection of claims 6-11 and 15-17 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 12-16 of U.S. Patent No. 5,966,733. Applicant proposes filing a terminal disclaimer in compliance with 37 C.F.R. 1.321(b) if the Examiner's rejection still properly stands after an indication of allowability over prior art of record in the present case.

In view of the above amendment, Applicant believes the pending application is in condition for allowance.

Application No.: 10/650,105

Docket No.: 10970696-3

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 08-2025, under Order No. 10971353-3, from which the undersigned is authorized to draw.

Dated: March 15, 2005

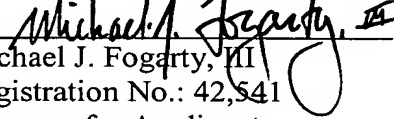
Respectfully submitted,

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV482745463US, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: March 15, 2005

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